



# PUBLIC NOTICE

Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

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TTY: (888) 835-5322

DA 03-2679  
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**PLEADING CYCLE ESTABLISHED FOR JOINT PETITION OF QWEST,  
BELLSOUTH, AND SBC FOR EXPEDITED FORBEARANCE FROM THE  
COMMISSION'S CURRENT PRICING RULES FOR THE UNBUNDLED NETWORK  
ELEMENT PLATFORM**

WC Docket No. 03-189

**COMMENTS: September 18, 2003**

**REPLY COMMENTS: October 3, 2003**

On July 31, 2003, Qwest Corporation, BellSouth Telecommunications, Inc., and SBC Communications Inc. (collectively "Joint Petitioners") filed a petition for expedited forbearance, pursuant to section 10 of the Telecommunications Act of 1996, 47 U.S.C. § 160, requesting the Commission "to forbear from its decision permitting Unbundled Network Element-Platform ("UNE-P") carriers to collect per-minute access charges from long distance operators and from applying its current Total Element Long Run Incremental Cost ("TELRIC") pricing rules to UNE-P."<sup>1</sup> In addition, the Joint Petitioners note that the Verizon Telephone Companies submitted a forbearance petition on July 1, 2003, and that the Joint Petitioners "seek exactly the same relief requested in the *Verizon Petition*."<sup>2</sup>

We seek comment on the *BOC UNE-P Pricing Petition*. Although Qwest, BellSouth, and SBC are the only petitioners, the relief requested and the grounds therefor are identical to those in the *Verizon Petition*. Accordingly, we request that interested parties comment upon the scope of the *BOC UNE-P Pricing Petition*, in particular whether, why, and to what extent we should consider whether the requested relief meets the statutory forbearance criteria for local exchange carriers in addition to the Joint Petitioners. To the extent that a party comments on this issue, we

<sup>1</sup> *Joint Petition for Forbearance From the Current Pricing Rules for the Unbundled Network Element Platform*, Joint Petition of Qwest Corporation, BellSouth Telecommunications, Inc. and SBC Communications Inc. for Expedited Forbearance at 1 (filed July 31, 2003) ("*BOC UNE-P Pricing Petition*").

<sup>2</sup> *Id.* at 2 (citing *Petition of the Verizon Telephone Companies for Forbearance From the Current Pricing Rules for the Unbundled Network Element Platform*, WC Docket No. 03-157, Petition for Expedited Forbearance of the Verizon Telephone Companies (filed July 1, 2003), *modified by* Letter from Karen Zacharia, Vice President and Associate General Counsel, Verizon to Marlene H. Dortch, Secretary, FCC (July 23, 2003) (collectively "*Verizon Petition*").

request that the party also submit its comments in WC Docket No. 03-157. Further, to the extent that a party files comments on the *Verizon Petition* in WC Docket No. 03-157 and desires to make identical arguments here (in WC Docket No. 03-189), a party may incorporate by reference its comments in WC Docket No. 03-157 in its filing in this docket.

Comments and oppositions may be filed no later than **September 18, 2003**. Reply comments may be filed no later than **October 3, 2003**. All such filings should refer to **WC Docket No. 03-189**. Submissions may be filed using the Commission's Electronic Comment Filing System ("ECFS") or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to: <<http://www.fcc.gov/e-file/ecfs.html>>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the docket number of this proceeding. Only one copy of an electronic submission must be filed. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to <[ecfs@fcc.gov](mailto:ecfs@fcc.gov)>, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties that wish to file comments on paper must send the original and four (4) copies to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. Two (2) copies of the comments should also be sent to the Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554, Attention: Jeremy D. Marcus. Parties should also serve one copy with Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC 20554, (202) 863-2893, or via e-mail to <[qualexint@aol.com](mailto:qualexint@aol.com)>.

Paper copies can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail:

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to: Vistrionix, Inc., 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (8:00 a.m. to 7:00 p.m.). All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Other messenger-delivered documents, including documents sent by commercial overnight mail (other than United States Postal Service Express Mail and Priority Mail) must be sent to: 9300 East Hampton Drive, Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m.).
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be sent to: 445 12th Street, S.W., Washington, DC 20554.

Documents in WC Docket No. 03-xxx, including the Joint Petitioners' petition, are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, DC 20554.

The documents may also be purchased from Qualex International, telephone (202) 863-2893, facsimile (202) 863-2898.

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. *See* 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. *See* 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission’s rules, 47 C.F.R. § 1.1206(b).

For further information, contact Jeremy D. Marcus, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1520.

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